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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/757,813 | 01/10/2001 | Nobuhiro Komata | SCEI 18.056 | 7364 |
| 26304 | 7590 | 10/27/2004 | EXAMINER | |
| KATTEN MUCHIN ZAVIS ROSENMAN | | | RADA, ALEX P | |
| 575 MADISON AVENUE | | | ART UNIT | |
| NEW YORK, NY 10022-2585 | | | PAPER NUMBER | |

3714

DATE MAILED: 10/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/757,813

Applicant(s)

KOMATA, NOBUHIRO

Examiner

Alex P. Rada

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Request for Continuing Examination

In response to the Request for Continuing Examination (RCE) filed August 11, 2004 in which the applicant cancels claims 1-15, add new claims 16-36, and claims 16-36 are pending in this office action.

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the feature of claims 22, 29, and 35 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 23-29 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The limitation of "a recording medium having stored thereon computer executable instructions for executing a game program" is non-statutory subject matter because in its broadest reasonable interpretation it could be interpreted as being directed to the claiming of a computer program written on a "recording" medium, including paper. The examiner suggests the language of a computer readable medium storing a game program in order to overcome this rejection.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 19, 26, and 33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 19 recites the limitation "said scenes" in line 2. There is insufficient antecedent basis for this limitation in the claim. Claims 26 and 33 lack the same insufficient antecedent basis.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 16-21, 23-28, and 30-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker (US 6,072,467) in view of Furukawa (JP 5-87760).

8. Walker discloses the following:

A means for generating a pressure-sensing output signal from the pressure-sensitive means, means for examining the pattern in changes of the variable magnitude, in which the examiner interprets the motion of the device using accelerometers to generate different outputs of action and emotion by varying intensity of movement of the device to be an equivalent to the pressure-sensitive means (summary and column 11, line 5 – column 12, line 43), a means for retrieving a table to determine processing to be executed depending on both the pattern of changes in the pressure-sensing value of a player on the controller, in which the examiner interprets the examiner interprets the graph of intensity of action versus valence for specifying an entire range of emotion to arrive at a set of parameters to control the emotive content of an on-screen character to be a functional equivalent to the table to determine processing to be executed depending on both the pattern of changes in the pressure-sensing value of a player on the controller and a scene of the game that is performed when the

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controller is operated, and means for performing the processing to be executed (figures 1 and 9, summary, and column 11, line 5 – column 12, line 43) as recited in claims 16, 29, and 30.

The pattern in changes of the variable magnitude is processed as the degree of emotion or volition of the player (figure 9 and column 11, lines 5-26) as recited in claims 17, 24, and 31.

The pattern of changes is a combination of gradual changes and rapid changes (figure 9 and column 11, lines 5-26) as recited in claims 18, 25, and 32.

The scene in which the player or the character controlled by the player has a high probability of expressing anger and joy, an emotion of anger and joy are recognized to be present depending on a magnitude of an output value of the controller (figure 9 and column 11, lines 5-26) as recited in claims 19, 26, and 33.

A case where the output value of the controller changes from large to small is recognized to be an emotion of sadness and a case where the output value of the controller changes from small to large is recognized to be the emotion of joy (figure 9 and column 11, lines 5-26) as recited in claims 20, 27, and 34.

The output value of the controller reaches at least a level several time in succession is recognized to be an emotion of laughter, in which the examiner interprets the process of column 11, lines 5-26 and figure 9 to be a functional equivalent and capable of the output value of the controller reaches at least a level several time in succession is recognized to be some type of an emotion as recited in claims 21, 28, and 35.

Walker does not expressly disclose the following:

The means for examining the pattern in changes of the variable magnitude dependent on the pushing pressure of a player as recited in claims 30.

Furukawa teaches the following:

The equivalent means for examining the pattern in changes of the variable magnitude dependent on the pushing pressure of a player (paragraph 0001,0010, and 0012) and sensing the variable pushing pressure and the magnitude dependent on the variable pushing pressure of a player on the control as recited in claims 30. By examining the pattern in changes of the variable magnitude dependent on the pushing pressure of a player, one of ordinary skill in the art would provide a video game for game players the intention of directly reflecting the operation of a the character in a game.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Walker to include examining the pattern in changes of the variable magnitude dependent on the pushing pressure of a player as taught by Furukawa to provide a video game for game players the intention of directly reflecting the operation of a the character in a game.

9. Claims 22, 29, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker (US 6,072,467) in view of Furukawa (JP 5-87760) as applied to claims 16, 23, and 30 above, and further in view of Best (US 5,393,073).

10. Walker in view of Furukawa further disclose the output value of the controller is greater than a stipulated value then a positive or negative response is recognized or the output value of the controller is less than a stipulated value then a negative or negative response is recognized, in which the examiner interprets the process described in column 12, lines 11-43 to be a

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functional equivalent to the output value of the controller is greater than a stipulated value then a positive or negative response is recognized or the output value of the controller is less than a stipulated value then a negative or negative response is recognized as recited in claims 22, 29, and 36.

Walker in view of Furukawa do not expressly disclose the following:

Having a scene were the player or the character controlled by the player is requested to make a decision as recited in claims 22, 29, and 36.

Best teaches the following:

Having a scene were the player or the character controlled by the player is requested to make a decision in an interactive type game as recited in claims 22, 29, and 36. By having an interactive game that allows players or the character controlled by the player request to make a decision, one of ordinary skill in the art would provide simulated voice interaction between the user and characters on the screen.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Walker to further include a scene were the player or the character controlled by the player is requested to make a decision as taught by Best provide simulated voice interaction between the user and characters on the screen.

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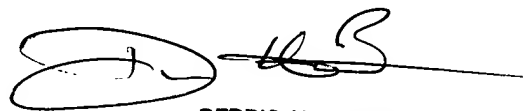
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alex P. Rada whose telephone number is 703-308-7135. The examiner can normally be reached on Monday - Friday, 08:00-16:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on 703-308-1745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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